

Submitter: Zacahry Garner
On Behalf Of:
Committee: House Committee On Judiciary
Measure, Appointment or Topic: HB2851

Dear Chair Steiner, Chair Sanchez, Vice-Chair Girod, Vice-Chair Gomberg, Vice-Chair Smith, and Members of the Joint Committee on Ways and Means: We write to express our concern regarding House Bill 2772 and its -1 Amendment which would create a class B and C felony offense for the crimes of domestic terrorism in the first and second degree.

House Bill 2772 encompasses offenses already criminalized under Oregon statutes, including Oregon's first degree criminal mischief statute (ORS § 164.365), which explicitly applies to damage to "the property of a public utility, telecommunications carrier, railroad, public transportation facility or medical facility used in direct service to the public" or "[b]y means of an explosive".

House Bill 2772 further risks disparate impact on protesters, activists, and over-policed communities, including Black, Indigenous, and other Oregonians of color. The language of this bill and the -1 amendment remains overbroad and open to abuse. The February 8, 2023 Committee Hearing gave rise to further concern that this Bill's intended ambit far exceeds ordinary conceptions of "domestic terrorism" and could be applied to ordinary vandalism and property damage.

Beyond our concerns with necessity, language, and potential application, however, we have concerns regarding democratic process. The legacy of criminal enforcement of "terrorism"-adjacent laws in the United States cannot be separated from the deeply politicized, racist, and illegal ways these laws have been enforced across our country and in Oregon. It is unfortunate that the Secretary of State's March 2022 advisory report on mitigating the threat of domestic terrorism and violent extremism did not reckon with this history and the myriad ways this state power has been—and continues to be—misused and abused.

Discussions on HB 2772 have similarly failed to conduct this reckoning. Forums on and discussions of HB 2772 have excluded the voices of Oregonians who have disproportionately suffered the impacts of over-policing, including BIPOC communities, houseless individuals, and activists.

No new domestic terrorism criminal offense should be passed in Oregon without extensive community engagement, input, and listening from the Oregonians who most directly experience the overreaches of state power. We ask that you NOT PASS HB 2772.